

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: : Chapter 11
: :
MOTORS LIQUIDATION COMPANY, *et al.*, : Case No.: 09-50026 (MG)
f/k/a General Motors Corp., *et al.* :
: (Jointly Administered)
Debtors. :
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**STIPULATION AND ORDER ADJOURNING HEARING DATE IN CONNECTION TO
MOTION BY GENERAL MOTORS LLC TO ENFORCE THE BANKRUPTCY
COURT’S SALE ORDER AND INJUNCTION WITH RESPECT TO THE STEVENS
PLAINTIFFS, BASED ON CERTAIN CONDITIONS**

General Motors LLC (“**New GM**”) and Zachary Stevens, Lisa Stevens, and Mark Stevens¹ (“**Stevens Plaintiffs**,” and together with New GM, the “**Parties**”), by and through their undersigned counsel, enter into this Stipulation and Order, as follows:

WHEREAS, on June 24, 2016, the Stevens Plaintiffs filed the *Traditional Motion For Partial Summary Judgment*, filed in the Texas State Court (“**Stevens Partial Summary Judgment Motion**”), which sought, among other things, summary judgment on the Stevens Plaintiffs’ claim that the award of exemplary/punitive damages is not subject to the cap on exemplary/punitive damages set forth in § 41.008 of the Texas Civil Practice & Remedies Code (“**Texas Statute**”);

WHEREAS, on July 1, 2016, New GM filed the *Motion by General Motors LLC Pursuant to 11 U.S.C. §§ 105 and 363 to Enforce the Bankruptcy Court’s July 5, 2009 Sale Order and Injunction, and the Rulings in Connection Therewith, With Respect to the Stevens Plaintiffs* [ECF No. 13664] (“**Motion to Enforce**”) with this Court, seeking to enjoin the Stevens

¹ Plaintiffs of the lawsuit captioned *Zachary Stevens, Lisa Stevens, And Mark Stevens v. General Motors LLC, et al.*, pending in the 152nd Judicial District Court of Harris County, Texas, Case No. 2015-04442.

Plaintiffs from proceeding with claims in the Stevens Partial Summary Judgment Motion that are barred by the Sale Order and Injunction and other related Bankruptcy Court rulings;

WHEREAS, the hearing on the Motion is presently scheduled for July 18, 2016 (“**Hearing Date**”); and

WHEREAS, the Parties are in discussions relating to the issues raised in the Stevens Partial Summary Judgment and the Motion to Enforce, and have agreed to adjourn the Hearing Date subject to the conditions set forth herein.

NOW, THEREFORE, it is hereby stipulated and agreed, by and among the Parties, subject to approval of the Bankruptcy Court, as follows:

1. The Stevens Plaintiffs agree to withdraw the Stevens Partial Summary Judgment Motion within two (2) business days of the signing of this Stipulation and Order.

2. The Stevens Plaintiffs agree that under no circumstances will they assert a claim for punitive damages (including a cap-busting theory based on the Texas Statute) against New GM predicated, in any way, on (a) an Assumed Liability (as defined in the Sale Agreement between Motors Liquidation Corporation (“Old GM”) and New GM, dated June 26, 2009), or (b) the acts, duties, obligations or conduct of Old GM.

3. The Hearing Date on the Motion shall be adjourned to August 5, 2016 at 10:00 a.m. (Eastern Time).

4. Nothing set forth in this Stipulation and Order shall constitute an admission of any allegation, fact or liability.

5. The Parties agree that the Bankruptcy Court shall retain jurisdiction with respect to all matters arising from or related to this Stipulation and Order.

6. This Stipulation and Order constitutes the entire agreement and understanding between the Parties regarding the subject matter herein.

7. This Stipulation and Order may be executed in one or more counterparts, each of which is deemed an original, together constituting one and the same document. Facsimile signatures or signatures received via e-mail transmission are treated as a binding and original document, and the facsimile signature or e-mail signature of any party is considered an original signature.

Dated: New York, New York
July 11, 2016

<p><u>/s/ Arthur Steinberg</u> Arthur Steinberg Scott Davidson KING & SPALDING LLP 1185 Avenue of the Americas New York, NY 10036 (212) 556-2100</p> <p>-and-</p> <p>Richard C. Godfrey, P.C. (admitted pro hac vice) Andrew B. Bloomer, P.C. (admitted pro hac vice) KIRKLAND & ELLIS LLP 300 North LaSalle Chicago, IL 60654</p> <p><i>Counsel for General Motors LLC</i></p>	<p><u>/s/ Joshua P. Davis</u> Joshua P. Davis Josh Davis Law Firm 1010 Lamar, Suite 200 Houston, Texas 77002 (713) 337-4100</p> <p><i>Counsel for the Stevens Plaintiffs</i></p>
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IT IS SO ORDERED.

Dated: July 13, 2016.
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge